

MINUTES
MIGRANT AND SEASONAL FARMWORKERS BOARD MEETING
January 29, 2003

The Migrant and Seasonal Farmworkers Board meeting was held at 10:00 a.m. in Court Room B, State Corporation Commission's Tyler Building, Richmond, Virginia.

The following Board members were present: Kenneth Annis, Chairman; Mario Moreno, Vice Chairman; Sharon Saldarriaga; Daniel Chavez; Adrian Reddington; Kelly Robinson; J. M. Scott; Tupper Dorsey; Christian Schweiger; Richard Hall; Elisia Almendarez-Moore; Richard Cagan; and Mary Bell Boltwood. The following Board members were absent: Hart Hudson and Thomas Kellum. DOLI staff present were: C. Ray Davenport, Commissioner; Glenn Cox, VOSH Director; and Betty Jenkins, Board Administrator.

CALL TO ORDER

The Chairman called the meeting to order. He requested that any participant who wished to address the Board give his/her name and organization.

APPROVAL OF AGENDA

Mr. Hall moved that the agenda be approved. Mr. Schweiger seconded the motion and the agenda was approved by a unanimous vote.

APPROVAL OF MINUTES

Mr. Hall moved that the minutes of the October 23, 2002 meeting be approved. Mr. Cagan seconded the motion and the minutes were approved.

PRESENTATIONS

Migrant Health Network
Mary Bell Boltwood, RN, Program Coordinator

Ms. Boltwood distributed copies of her Annual Service Provider Report. A copy of the report is attached to and made a part of these minutes. She showed an informational video of the Migrant Health Network program produced in 2000 by volunteers from Emory and Henry College. Responding to a question, Ms. Boltwood stated her program serves mostly non-H2A workers.

DOLI and State Budget Update
C. Ray Davenport, Commissioner

Commissioner Davenport stated that budget reductions over the last twenty-four months, including the three most recent reductions, at DOLI amounted to a 22.5% reduction from general funds. DOLI also receives federal funds and was not able to match funds which resulted in a 13.6% loss of federal matching funds. There was a

loss of 23 staff positions over the same period. He added if budget proposals Governor Warner has submitted to the General Assembly are passed, five additional safety and health benchmark positions would be added to fulfill the Federal OSHA mandated positions. Information technology positions at DOLI will be impacted by the consolidation of information technology throughout state government. He indicated that DOLI is tracking fifteen bills currently before the General Assembly. To a question on inspection activity level at DOLI, he responded that the agency has been able to maintain inspection levels and continues to perform Field Sanitation inspections.

INTERAGENCY MIGRANT WORKER POLICY COMMITTEE REPORT

Commissioner Davenport noted that there was a good representation from all agencies at the meeting. Board members had copies of the meeting minutes in their folders.

AREA COUNCIL REPORTS

Written reports were received from the following Councils: Harrisonburg Area Hispanic Services Council; Rappahannock Migrant & Seasonal Worker Council; and Winchester Migrant Services Council. These reports are attached to and made a part of these minutes.

The Chairman stated that the Northern Neck area is looking into migrant housing. Ms. Saldarriaga reported that Telamon had met with the Department of Housing to explain the grant. She said that HOME Funds will provide 70% of the cost for migrant housing and the grower will supply 30%. She commented that it appeared two or three growers had expressed an interest in the grant. There was discussion about the problems resulting from zoning with variances not easily accomplished. Mr. Cagan suggested that migrant housing might be an issue to put on the Governor's next housing conference agenda.

Regarding the Board's motion at the October 23, 2002 meeting that farmworker services councils should become familiar with their particular local disaster plan, Mr. Cagan agreed to draft a letter to be sent to the Councils.

2000-2002 BIENNIAL REPORT COMMITTEE

The Chairman asked Mr. Cagan and Mr. Dorsey if they would agree to serve on the committee to draft the report and they agreed. Commissioner Davenport stated that he would like the report completed by March 31, 2003. It was agreed that the MSFW Board and the Interagency Migrant Worker Policy Committee would consolidate their respective reports and only one annual report would be submitted.

OLD BUSINESS

Regarding the heat stroke death of a migrant worker during the past summer, Commissioner Davenport reported that citations were issued for lack of toilet and hand-

washing facilities, failure to report a fatality within the specified eight-hour period to the DOLI (Department of Labor and Industry), and failure to provide single-use drinking cups. An informal conference between DOLI and the employer was held to begin working toward a settlement agreement.

Mr. Cagan suggested that Mr. Neil Graham, Executive Director of the Virginia Primary Care Association, be invited to speak to the Board on migrant health services.

He stated that the General Assembly has tabled studies for this session and there will not be a study of immigrant needs. Senator Watkins said he would be glad to submit the Board's request for the study at the next session.

Mr. Cagan said he was interested in receiving an enforcement report from the Wage and Hour Division of the Department of Labor on Virginia. After discussion, Board members agreed to ask Mr. Bruce Clark or a representative from the U.S. Department of Labor's regional office to speak at the April 2003 Board meeting. Mr. Clark said there is no specific report on enforcement but that information could be incorporated into the presentation. Mr. Clark asked that the request be sent in writing. It was agreed that Ms. Jenkins would send a letter.

NEW BUSINESS

Mr. Scott inquired about whether there is an initiative in Virginia to buy Virginia products. Commissioner Davenport related that he was aware of the detailed procurement procedure for state institutions. He noted that Governor Warner has proposed a tracking method to determine how Virginia agencies and institutions spend state money. After lengthy discussion, it was concluded that more information is needed. The Chairman stated that he would bring up this issue at the next Migrant Policy Committee meeting in March.

The Chairman stated that the Mexican Embassy is visiting various locations and distributing identification cards accepted by some banks in Virginia. He said he would like to encourage the Embassy to come to the Eastern Shore to distribute these cards, which enable migrant workers to transfer funds back home more easily and economically. Ms. Boltwood said it would be helpful for them to also visit Southwest Virginia. Mr. Moreno said he would be glad to contact the Embassy to see what can be done. Mr. Chavez said the American Banker's Association might be able to help. Commissioner Davenport pointed out that there were emails in the Board members' packages concerning information on banks which recognize this ID card already in place. He noted another email concerning opposition to the ID card. Regarding undocumented workers having ID cards under a name other than their own, Mr. Chavez stated that the purpose of the consul's office is to check the applicant's information to verify his identity and then issue a card with security features which will not allow duplication.

Mr. Moreno inquired about the possibility of the Board holding one of its meetings at a location outside of Richmond. Commissioner Davenport explained that budgetary constraints would be a factor in moving the meeting out of Richmond and would have to

be considered.

Ms. Saldarriaga referred to the Larson "Oregon Migrant and Seasonal Farmworkers Enumeration Profiles Study." She said it used a variety of databases and surveys to determine farmworker numbers. It also provides numbers for family members and children. It was not determined how the study was funded. She said she would email the Web link to Board members so that they can look at the study. She will also research how the study was funded and who the people involved were. Mr. Moreno questioned the benefits gained by such a study.

The Chairman said a NAWs report was distributed at the regional conference in Rehoboth Beach that contained detailed information about farmworkers. He also felt that the VEC has some of the best information on the numbers of migrant and seasonal farmworkers in Virginia. He commented that by the time some studies are completed, the information is obsolete. He felt funds could be utilized better in other areas. He also mentioned a Virginia Tech study on the benefits of migrant workers in Virginia. Ms. Boltwood noted discrepancies in some VEC figures and the Chairman responded that he felt that was the time to discuss and share data to insure accurate information.

Mr. Cagan stated he would be able to give an update at the next meeting on how the child care study is progressing. He felt that Board members should have the opportunity to look at the Oregon study and that Alice Larson could provide the cost. Mr. Cagan said his agency would be willing to fund part of the study if it seemed beneficial and if other agencies were willing to contribute.

Mr. Reddington said there are two issues he would like the Board to address: licensing at DMV and the Department of Agriculture pesticide application licensing. He would like to see testing done in Spanish. He noted pesticide labels are not printed in Spanish and was told that the U.S. Department of Agriculture is responsible for instituting legislative changes to the laws which would be necessary to print labels in Spanish.

Mr. Moreno advised that there is a Governor's task force dealing with the problem some applicants are experiencing in getting a driver's license.

Regarding pesticide labeling, Ms. Liza Fleeson with the VDACS Office of Pesticide Services stated that the Pesticide Office has looked at testing for certification in Spanish many times. For product registration, the federal government reviews and approves labels in English only. There may be some companies that provide Spanish language labels. There is no federally approved foreign language label. She said her office does not have the expertise to compare a Spanish label to an English label, since labels are only approved in English. The label is the law. She said her office submitted a Request for Proposal for a company to translate the English test to Spanish and received no responses. She further indicated that Spanish is only one of many languages that would have to be translated.

Ms. Cecily Rodriguez of Telamon stated that an Americorps member in the Northern Neck translated the study material for the applicator's exam and incorporated it into English. She felt this process is a short-term solution for workers to be certified as

applicators. She added that the vocabulary used in pesticide application was also presented. Mr. Scott replied that this was a dangerous practice.

The Chairman said that the pesticide issue will be on the agenda for the next Board meeting in April.

Mr. Reddington inquired if any Board members are tracking legislation. Mr. Annis responded that even though the Board tries to keep abreast of the legislation, no member is formally charged with the task. Mr. Reddington volunteered to track the legislation and attend any meetings.

ITEMS OF INTEREST FROM BOARD ADMINISTRATOR

Ms. Jenkins called the Board's attention to information she had provided in their folders. Board members responded that receiving council minutes via email worked well and they did not need printed copies.

The next MSFW Board meeting will be held on **Wednesday, April 30, 2003**. The next Migrant Policy Committee meeting will be held on Tuesday, March 11, 2003 at DOLI.

ITEMS OF INTEREST FROM BOARD MEMBERS

The Chairman and Mr. Moreno attended the Governor's Latino Summit. Mr. Moreno reported the Virginia Coalition of Latino Organizations is comprised of 25 groups from all areas of Virginia. The purpose was to identify Latino issues in Virginia. He noted the Governor and his Cabinet attended. Among the many issues addressed were investing in minority business enterprises; undocumented aliens' admission to colleges in Virginia; alternative assessment for LEP (limited English proficiency) children; barriers to health programs, legal representation for LEP aliens; and DMV licenses. Governor Warner promised his support and efforts to investigate and focus on the issues brought up by the task force. Mr. Annis added that there was praise for DMV's Spanish Driver's License Manual and noted that the MSFW Board had worked with DMV over the years on having a translated manual.

Mr. Schweiger moved that the Board hold one meeting each year at a location other than Richmond, if funds are available. Mr. Moreno seconded the motion which was approved. Mr. Scott voted nay.

PUBLIC COMMENTS

Mr. Philip Vasquez, Deputy Commissioner at DMV, said that he was appointed last summer by Governor Warner. He reported that there are several bills before the General Assembly which will affect the immigrant community. A proposed legal presence bill would prevent an applicant who is here illegally from receiving an identification card or driver's license. A legal presence study completed in December 2002 concluded that it would not be advisable for Virginia to impose a legal presence requirement for such reasons as economics and the effect on the military.

Mr. Harry Gregori from the Department of Environmental Quality said that the Board might want to contact the Department of General Services about any “Buy Virginia” initiative.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:45 p.m.

Attachments: Annual Service Provider Reports: (1) Migrant Health Network
(2) Virginia Farmworker Legal Assistance Project

Area Council Minutes